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December 11, 2024

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
U.S.D.C. for the S.D.N.Y.
40 Foley Square, Courtroom 518
New York, NY 10007

Re: *Cooper v. Mass Appeal Media Inc., et al.*
23 Civ. 9115 (VSB) (BCM) – Joint Status Letter

Dear Judge Broderick:

We represent all Defendants in the above-referenced action. We write, jointly with Plaintiff's counsel, to provide a joint status update as directed by the Court in the July 15, 2024 Amended Case Management Plan and Scheduling Order. ECF No. 33 ¶ 11.

As of the date of this letter, the parties have discussed and attempted to resolve an outstanding discovery dispute. To resolve the dispute without engaging in costly motion practice, Defendant Mass Appeal Media Inc. has agreed to produce a limited number of documents and affidavits, which counsel for the parties discussed on December 9, 2024.

Defendants intend to file a motion for summary judgment seeking dismissal of the Complaint in its entirety. The parties have not engaged in significant settlement discussions, and are in the process of confirming whether they would like to request referral to the assigned Magistrate Judge for a settlement conference. In the event that the parties determine they would like to be referred for a settlement conference, they request that summary judgment briefing commence one month following the settlement conference (if unsuccessful). In the event that the parties determine they would not like to be referred for a settlement conference, they plan to provide a proposed briefing schedule for Defendants' anticipated summary judgment motion at the telephonic post-discovery conference scheduled for December 18, 2024 at 2:00 p.m. ECF No. 33 ¶ 12.

The parties thank the Court for its time and consideration of the above.

Respectfully submitted,

/s/ Dana G. Weisbrod
Dana G. Weisbrod
Leo T. Ernst

Cc: Plaintiff's counsel (via ECF)